IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.9342 OF 2004
ALONG WITH
WRIT PETITION NO.9343 OF 2004

WRIT PETITION NO.9342 OF 2004

Smt.Kashibai Kashinath Survase).. Petitioner

Versus

Amitkumar Shishir Gandhi and another).. Respondents

ALONG WITH
WRIT PETITION NO.9343 OF 2004

Smt.Kashibai Kashinath Survase).. Petitioner

Versus

Amitkumar Shishir Gandhi and another).. Respondents

Mr.Vijay Killedar i/b.Mr.Nitin Jamdar for the Petitioner.

Mr.P.J. Das for Respondent No.1.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 19TH OCTOBER 2005

P.C.:

. Writ Petition No.9342 of 2004 has been filed against the decision of the Appellate Court in the Appeal filed from Regular Civil Suit No.1268 of 1987. This Suit was filed by the Petitioner for a declaration that she was a tenant of the suit premises.

2. Writ Petition No.9343 of 2004 has been filed

against the order of the Appellate Court arising from Regular Civil Suit No.275 of 1989 filed by the landlord. Both the Suits have been decided. The declaratory Suit filed by the Petitioner has been dismissed and the Suit for possession of the premises on the ground of bona fide requirement has been decreed. The trial Court had held that the Petitioner is a tenant under Section 5(11)(c) and had decreed the declaratory Suit. The Suit filed by the landlord was dismissed. The Appellate Court has reversed these findings vide its order dated 31st July 2004.

3. In the meantime, the Respondent No.1 filed Regular Darkhast No.95 of 2005 for recovering possession of the suit premises. The possession warrant has been executed and the Petitioner has already handed over possession of the suit premises. Thereafter, the suit premises have been demolished. In my view, nothing survives in the Writ Petitions which are rejected.